

PHARMACY EXAMINING BOARD  
REGULAR MEETING  
DECEMBER 11, 2001

MEMBERS PRESENT: Cynthia Benning, RPH; Michael Bettiga, RPH; John Bohlman, RPH; Georgina Forbes; Dan Luce, RPH; Charlotte Rasmussen; Sue Sutter

LEGAL COUNSEL: William Black

STAFF PRESENT: Deanna Zychowski, Karen Rude-Evans

GUESTS: Elizabeth Nelson, Women's International Pharmacy; Carrie Boeckelman, UW Health-Physicians Plus; Doug Engelbert, DHFS; Adam Labs and Jennifer Schuh, students; Karen Merrill, Osco Drug; Jamie Statz Paynter, Dean Pharmacy; Susan Kleppin, PSW; Nathan Kanous; Brian McIlhone, Walgreens, Patrick Braatz, DWD

CALL TO ORDER

Chair John Bohlman called the meeting to order at 8:36 a.m.

APPROVAL OF AGENDA

Amendments: -Memo from Secretary Herrera regarding department reorganization  
-Proposed stipulation in the matter concerning Janet M. Krueger, RPH – Sheboygan Falls – Case Advisor, Sue Sutter  
-Proposed stipulation in the matter concerning Donald R. Leetz, RPH – Waukesha – Case Advisor, Dan Luce  
-Additional practice questions

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to approve the agenda as amended.

APPROVAL OF MINUTES OF NOVEMBER 13, 2001

Corrections: -On page 3, under DISCUSSION AND ADOPTION..., in the last sentence in the paragraph at the top of the page, delete “, and further discussion may be needed”.  
-On page 3, under REVIEW AND APPROVAL FOR SUBMISSION..., in the last sentence, delete “bring them to the Board for further review and discussion” and insert “a final draft will be available at the next meeting and for the public hearing.”  
-On page 5, under EDUCATIONAL DISCUSSION ON SCREENING, delete the entire paragraph and insert “The Board discussed screening issues.”

MOTION: Sue Sutter moved, seconded by Dan Luce, to approve the Minutes of November 13, 2001, as corrected. Motion carried unanimously.

SECRETARY OSCAR HERRERA

Secretary Herrera met briefly with the Board. Secretary Herrera will ensure that Patrick Braatz, who now works at DWD, is able to work with the Board for the transition of duties and records from the PIB.

PRESENTATION OF PROPOSED STIPULATIONS

JANET M KRUEGER, RPH

DOE attorney Jim Harris presented a proposed stipulation in the matter concerning Janet M. Krueger, RPH. This matter will be deliberated on in closed session.

DONALD R LEETZ, RPH

DOE attorney Jim Harris presented a proposed stipulation in the matter concerning Donald R. Leetz, RPH. This matter will be deliberated on in closed session.

REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND  
ADMINISTRATIVE RULES

These reports were informational.

PUBLIC HEARING ON PROPOSED RULES RELATING TO PHARMACY  
INTERNSHIP PROGRAM

Chair John Bohlman called the public hearing to order at 9:16 a.m. Sue Kleppin and Nathan Kanous were the only registered speakers. The hearing adjourned at 10:14 a.m.

ORDER ADOPTING EMERGENCY RULES RELATING TO A PHARMACY  
INTERNSHIP PROGRAM

Immediately following the public hearing the Board reviewed the comments and made some language changes.

MOTION: Michael Bettiga moved, seconded by Cynthia Benning to adopt the emergency rules as amended relating to a pharmacy internship program. Motion carried unanimously.

FINAL ADOPTION OF RULES RELATING TO EXAMINATIONS FOR ORIGINAL  
LICENSURE AND FOR PERSONS LICENSED IN ANOTHER STATE

MOTION: Michael Bettiga moved, seconded by Dan Luce, to adopt the rules relating to examinations for original licensure and for persons licensed in another state. Motion carried unanimously.

APPROVAL OF PROPOSED RULES RELATING TO REQUIREMENTS FOR THE  
DISPENSING OF PRESCRIPTION ORDERS FOR SCHEDULE II CONTROLLED  
SUBSTANCES TO BE SENT TO THE CLEARINGHOUSE

MOTION: Michael Bettiga moved, seconded by Dan Luce, to send the proposed rules relating to requirements for the dispensing of prescription orders for Schedule II controlled substances to the Clearinghouse. Motion carried unanimously.

APPROVAL OF PROPOSED RULES RELATING TO THE DEFINITION OF “ACTIVE  
PRACTICE OF PHARMACY” TO BE SENT TO THE CLEARINGHOUSE

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to send the proposed rules relating to the definition of “active practice of pharmacy” to the Clearinghouse. Roll call vote: Cynthia Benning – yes, Michael Bettiga – yes, John Bohlman – yes, Georgina Forbes – yes, Dan Luce – yes, Charlotte Rasmussen – yes, Sue Sutter – no. Motion carried.

APPROVAL OF PROPOSED RULES RELATING TO THE REQUIREMENTS FOR AN  
APPROVED CENTRAL FILL SYSTEM

MOTION: Michael Bettiga moved, seconded by Dan Luce, to delay approval of the rules relating to the requirements for an approved central fill system until the federal rules are in place. Motion carried unanimously.

APPROVAL TO RESUBMIT PROPOSED RULES RELATING TO THE CE REQUIREMENT

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to resubmit the proposed rules relating to the CE requirement with the change from 15 hours to 6 hours. Roll call vote: Cynthia Benning – yes, Michael Bettiga – yes, John Bohlman – no, Georgina Forbes – yes, Dan Luce – yes, Charlotte Rasmussen – yes, Sue Sutter – no. Motion carried.

## DISTRIBUTOR/MANUFACTURER'S APPLICATIONS

MOTION: Dan Luce moved, seconded by Charlotte Rasmussen, to approve the distributor's applications of **Amerisource Corp., AL; D&K Healthcare Resources, Inc., FL; FSH Medical Center Pharmacy, LaCrosse; Heartland Repack Services and Spectrum Pharmacy Services, OK.** Motion carried unanimously.

## DISCUSSION OF TRANSFER OF RECORDS FROM PIB

MOTION: Michael Bettiga moved, seconded by Dan Luce, to have only the last six years of PIB records transferred to the Department of Regulation and Licensing. Motion carried unanimously.

## VARIANCE REQUEST

### BELLIN HEALTH HOSPITAL, GREEN BAY

The Board reviewed correspondence from Michael G. Stiller R.Ph., Bellin Health Hospital Pharmacy, requesting information concerning obtaining a variance for the off site storage of bulk IV products, presumably at Bellin Health Hospital. To make a request for a variance, Mr. Stiller will need to outline for the Board specifically how and where this off site storage will occur, addressing security and proper storage requirements.

## PRACTICE QUESTIONS

The Board reviewed the practice questions and directed legal counsel to reply.

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to notify all distributors, in writing, that they must be licensed as a pharmacy if they are dispensing (delivering) directly to patients. Motion carried unanimously.

## PRACTICE QUESTION RELATING TO CHANGE IN DOSAGE FORM AND PRESCRIBER APPROVAL

The Board discussed the issue of changing a dosage form and the necessity of the prescriber's approval. If the change in dosage form is therapeutically equivalent it is not necessary to obtain the prescriber's approval.

## DISCUSSION REGARDING PRE-PRINTED PRESCRIPTION PADS

The discussion of pre-printed prescription pads was tabled.

DISCUSSION OF CBRF RULE RE-WRITE AND APPEARANCE BY  
DOUG ENGELBERT, DHFS

Doug Engelbert, DHFS, met with the Board and discussed the CBRF rule re-write. Issues discussed included packaging and repackaging of medications, storage and dispensing of medications to the residents of CBRF's. Legal counsel will draft a response to Doug Engelbert.

REPORT OF CONTROLLED SUBSTANCES BOARD

Cynthia Benning reported the CSB is still working on the GBL issue and the public hearing originally scheduled for December has been postponed. The scope statement to schedule dichloralphenazone into Schedule IV was approved. Guidelines have been developed for humane societies and the use and security of euthanasia drugs being used in the field. Correspondence was received from the Wisconsin Cancer Pain Initiative relating to oxycontin.

*REGULATORY DIGEST*

The *Regulatory Digest* has been mailed out.

RECESS TO CLOSED SESSION

MOTION: Dan Luce moved, seconded by Georgina Forbes, to recess to closed session pursuant to Chapter 19.85(1)(a), (b), (f) and (g), Wis Stats., for the purpose of deliberation of proposed stipulations, considering requests for stays of suspensions and modifications of orders, reviewing a one-week rotation, discussion of examination issues, reviewing case status report and consulting with legal counsel. Roll call vote: Cynthia Benning – yes, Michael Bettiga – yes, John Bohlman – yes, Georgina Forbes – yes, Dan Luce – yes, Charlotte Rasmussen – yes, Sue Sutter - yes. Motion carried unanimously.

Open session recessed at 12:45 p.m.

RECONVENE IN OPEN SESSION

MOTION: Cynthia Benning moved, seconded by Dan Luce, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 2:41 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

REQUESTS FOR STAYS OF SUSPENSIONS/CHANGES IN BOARD ORDERS

MARK G ANDERSON, RPH

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to grant a reduction in screens to six (6) per month and a reduction in therapy to once per month to Mark G. Anderson, R.Ph. Motion carried unanimously.

MITCHELL BONJEAN, RPH

The Board reviewed the one-week rotation of Mitchell Bonjean, R.Ph. No Board action was necessary.

CORY FORD, RPH

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to grant a three-month stay of suspension and drop the shadowing requirement to Cory Ford, R.Ph. Motion carried unanimously.

WILLIAM KARWOSKI, RPH

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to grant a three-month stay of suspension but deny the modifications to the Order to William Karwoski, R.Ph. Motion carried unanimously.

DAVID KLEINGARTNER, RPH

MOTION: Dan Luce moved, seconded by Sue Sutter, to grant a two-month stay of suspension to David Kleingartner, R.Ph. Motion carried unanimously.

RALPH KOCH, RPH

MOTION: Michael Bettiga moved, seconded by Charlotte Rasmussen, to grant a three-month stay of suspension to Ralph Koch, R.Ph. Motion carried unanimously.

JAMES MEYER, RPH

MOTION: Dan Luce moved, seconded by Michael Bettiga, to grant a three-month stay of suspension to James Meyer, R.Ph. Motion carried unanimously.

PAUL NELSON, RPH

MOTION: Cynthia Benning moved, seconded by Georgina Forbes, to grant a three-month stay of suspension, an additional four hours for a total maximum of 12 hours per week as pharmacist in charge, allow to open and close but not consecutively and a reduction in therapy to once per month to Paul Nelson, R.Ph. Motion carried unanimously.

MICHAEL O'KRAY, RPH

MOTION: Michael Bettiga moved, seconded by Cindy, to grant a three-month stay of suspension and a reduction in screens to six per month to Michael O'Kray, R.Ph. Motion carried unanimously.

ANDREW RICE, RPH

MOTION: Dan Luce moved, seconded by Sue Sutter, to grant a three-month stay of suspension to Andrew Rice, R.Ph. Michael Bettiga abstained. Motion carried.

THOMAS TRISCARI, RPH

MOTION: Dan Luce moved, seconded by Michael Bettiga, to grant a three-month stay of suspension, bi-weekly therapy and an increase to a maximum of 8 hours per week as pharmacist in charge to Thomas Triscari, R.Ph. Motion carried unanimously.

JEFFREY VERZAL, RPH

MOTION: Dan Luce moved, seconded by Cynthia Benning, to grant a one-month stay of suspension but deny the modifications to the Order to Jeffrey Verzal, R.Ph. Motion carried unanimously.

PROPOSED STIPULATIONS

JANET M KRUEGER, RPH

MOTION: Michael Bettiga moved, seconded by Dan Luce, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning Janet M. Krueger, R.Ph. Case advisor – Sue Sutter. Motion carried unanimously.

DONALD R LEETZ, RPH

MOTION: Michael Bettiga moved, seconded by Georgina Forbes, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning Donald R. Leetz, R.Ph. Case advisor – Dan Luce. Motion carried unanimously.

CASE STATUS REPORT

MOTION: Dan Luce moved, seconded by Michael Bettiga, to close complaint **01 PHM 046** for prosecutorial discretion (P4). Case advisor was Cynthia Benning. Sue Sutter abstained. Motion carried.

MOTION: Dan Luce moved, seconded by Georgina Forbes, to close complaint **01 PHM 023** for insufficient evidence. Case advisor was John Bohlman. Motion carried unanimously.

EXAMINATION RESULTS

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to accept the examination results. Motion carried unanimously.

ADJOURNMENT

MOTION: Georgina Forbes moved, seconded by Charlotte Rasmussen, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:22 p.m.

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